

**REMARKS****Claim Objections**

**Claim 1 has been rejected due to informalities.**

Claim 1 has been amended to remove the informalities.  
Applicant requests that the objection be removed.

**Claim Rejections - 35 USC 103**

**Claims 1-9 are rejected under 35 USC 103(a) as being unpatentable over Singh et al (US 2001/0009740) in view of Kinn et al (US 2002/0160259).**

Applicant's claim 1 recites:

1. A nickel-metal hydride electrochemical cell, comprising:
  - a positive electrode including a nickel-hydroxide active material;
  - a negative electrode including a hydrogen storage alloy active material;
  - a separator electrical insulating said positive electrode from said negative electrode, said separator having a hi-pot resistance greater than 400 volts, and an ionic resistance less than 15 ohm-cm; and
  - an alkaline electrolyte.

Singh is directed to nickel metal hydride cells but provides no teaching or suggestion of using a separator

having a hi-port resistance greater than 400 volts and an ionic resistance less than 15 ohm-cm.

Kinn provides no teaching or suggestion that the material described may be used in combination with a nickel hydroxide positive electrode active material and a hydrogen storage alloy negative active material to form a working nickel metal hydride cell.

In order for references to be properly combined there must be some teaching or suggestion to combine reference teachings. As noted, Singh provides no teaching or suggestion of using a separator with the recited characteristics. Likewise, Kinn provides no teaching or suggestion of using the particular battery chemistry of a nickel hydroxide positive electrode active material and a hydrogen storage alloy negative active material. Hence, the combination of references is not proper.

The rejection under 35 USC 103(a) is improper and applicant requests it be removed.

**SUMMARY**

In view of the above amendment and remarks, claims 1-9 are in condition for allowance. Applicant respectfully requests reconsideration, withdrawal of the outstanding objection and rejection, and notifications of allowance. Should the Examiner have any questions or suggestions regarding the prosecution of this application, he is asked to contact applicant's representative at the telephone number listed below.

Respectfully submitted,



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